



Minutes of the Workshop and Regular Meetings of the  
**Planning and Zoning Commission**  
of the City of Bryan, Texas  
**On Thursday, September 7<sup>th</sup>, 2006 at 5:00 p.m.**  
Room 305/City Council Chambers  
Bryan Municipal Building  
300 South Texas Avenue

Disclaimer:     *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

**1. WORKSHOP SESSION – ROOM 305**

Chairperson Hughes called the workshop meeting to order at 5:03 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Randy Haynes (Parliamentarian), Mr. Robert Horton, Mr. Art Hughes, Mr. G.H. Jones, Mr. Don Maxwell and Mr. Michael Parks.

Commission members absent were: none.

Staff members present were: Mr. Kevin Russell, Director of Development Services; Mr. Martin Zimmermann, Senior Planner; Mr. John Dean, Transportation Planner; Ms. Janis Hampton, Assistant City Attorney; and Ms. Charmaine McKinzie, Planning Recorder.

**A. REVIEW OF AGENDA FOR REGULAR PLANNING AND ZONING COMMISSION MEETING OF SEPTEMBER 7, 2006 (No action will be taken).**

Agenda items were reviewed. No action was taken.

**B. COMMISSION/STAFF CONCERNS.**

Miscellaneous Commission and staff concerns were discussed.

Commissioner Haynes announced his resignation from the Commission stating that he has accepted a position with the City of Bryan's Development Services Department.

Without objection, Chairperson Hughes adjourned the workshop meeting at 5:50 p.m.

*Commissioner Haynes left the meeting at 5:50 p.m.*

## **2. REGULAR MEETING (COUNCIL CHAMBERS) – CALL TO ORDER**

Chairperson Hughes called the regular meeting to order at 6:00 p.m.

## **3. CITIZENS TO BE HEARD**

No one came forward.

## **4. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST**

Commissioner Beckendorf filed an affidavit in response to State Law on disclosure of Local Official's conflict of Interest for regular agenda item #12, Rezoning RZ06-24. Commissioner Beckendorf will not participate in deliberation or voting on this agenda item.

## **5. CONSENT AGENDA**

There were not items for consideration.

## **6. PUBLIC HEARING/CONSIDERATION – Planning Variance PV 06-21**

*A request for approval of a variance from the minimum 25-foot front setback required on residential lots for the property located at 901 Esther Boulevard at the east corner of the intersection of Esther Blvd. and Wayside Drive, Lot 3 (pt of), 4, Block 8, Culpepper Manor #1 in central Bryan, Brazos County, Texas.*

Mr. John Dean, Transportation Planner, presented a staff report (on file in the Development Services Department). Mr. Dean informed the Commission that the applicants have requested a variance to the minimum 25 foot front setback which is generally required on all residential properties. The applicants have stated that they wish to build a carport on the front of their house so that they have a covered area in which to park their truck, which is too long to fit into the garage. Staff believes that the setback requirements of the Land and Site Development Ordinance serve to protect the general public by preventing the crowding of streets and providing a clean uncluttered streetscape. Staff recommends denying this request for variance.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Bond moved to approve Planning Variance PV06-21, finding that granting the requested variance will not be detrimental to the public health, safety or welfare, or materially**

**injurious to properties or improvements in the area. Commissioner Jones seconded the motion, and the motion failed with a tie vote (4-4).**

**Commissioner Clark moved to deny Planning Variance PV06-21, accepting the findings of staff. Commissioner Beckendorf seconded the motion, and the motion failed with a tie vote (4-4).**

**7. PUBLIC HEARING/CONSIDERATION – Planning Variance PV 06-22**

*A request to allow a development to utilize off-site parking across a minor arterial for the property located at 800 North Sims, Lots 4-5 (pts of), Block 166, Bryan Original Townsite, Bryan, Brazos Count, Texas.*

**Commissioner Parks moved to suspend the rules to allow consideration of agenda item #14 (Rezoning RZ06-30) immediately following consideration of Planning Variance PV 06-22. Commissioner Beckendorf seconded the motion, and the motion passed with a unanimous vote.**

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean informed the Commission that the applicant is requesting a variance to the offsite parking requirements of the Land and Site Development Ordinance. The applicant wished to develop a restaurant on his property at the corner of Sims and Martin Luther King Blvd. In order to provide adequate parking for this site, the applicant has proposed to provide off-site parking across MLK. The ordinance currently prohibits off-site parking in which patrons must cross an arterial street; MLK is classified as a minor arterial. The applicant is requesting a variance to this provision of the ordinance. The applicant has made exhaustive efforts to avoid requesting the variance; without it, he will be unable to provide adequate parking for the proposed development. Staff recommends approving the variance, as requested.

The public hearing was opened.

Mr. Herbert Carter, applicant, of 404 W. Martin Luther King Jr. Street, informed the Commission that this is a project he has been working on for a while and hopes the Commission will grant his request.

The public hearing was closed.

**Commissioner Jones moved to approve Planning Variance PV06-22, accepting the findings of staff. Commissioner Bond seconded the motion, and the motion passed with a unanimous vote.**

**14. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-30**

*A request to change the zoning classification from a combination of ‘C-3’ Commercial District and ‘SF-5’ Single-Family Residential District – 5000 to a ‘C-2’ Retail District for three lots located in the 700 block of North Sims Street, southwest of the intersection of Martin Luther King Boulevard and North Sims Street, Lots 4-7, Block 165, Bryan Original Townsite in central Bryan, Brazos County, Texas.*

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean informed the Commission that the applicant is requesting to rezone three tracts of land located in the 700 block of North Sims from a combination of ‘C-3’ Commercial District and ‘RD-5’ Residential District 5000 to ‘C-2’ Retail District. These Tracts are currently vacant; however, the applicant is

planning to develop these tracts for a retail establishment. Staff recommends approving 'C-2' zoning as requested by the applicants.

The public hearing was opened.

Mr. Herbert Carter, applicant, of 404 W. Martin Luther King Jr. Street, Bryan, Texas advised the Commission that this is another part of the project he has been working on for a while, and hopes the Commission will grant his request.

The public hearing was closed.

**Commissioner Maxwell moved to recommend approval of Rezoning RZ06-30, accepting the findings of staff. Commissioner Beckendorf seconded the motion, and the motion passed with a unanimous vote.**

**8. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU06-11**

*A conditional use permit to allow automobile repair in a 'C-2' Retail zoning district, specifically at 3502 South Texas Avenue between Mary Lake Drive and Dunn Street, occupying Lots 2 and 3 in Block 1 of Ramsey Place Subdivision as well as a 20-foot wide and 50-foot long segment of an abandoned alley right-of-way, in southern Bryan, Brazos County, Texas.*

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Mr. Zimmerman informed the Commission that the applicant is requesting to use a portion of an existing commercial building on the property at 3516 South Texas Avenue to sell and lease automobile rims and tires. As part of their service, the applicants wish to be able to install rims and tires on customer vehicles at the time of purchase. Staff recommends approving the requested Conditional Use Permit to allow automobile repair at this location. However, staff recommends the following three conditions:

- That automobile repair activity shall be restricted to the installation of automobile rims and tires.
- That no outdoor repair and service of vehicles shall be allowed.
- That no outside storage of material and equipment shall be allowed in conjunction with this proposed automotive repair and service activity.

Staff believes there to be few (if any) adverse effects on adjacent properties, so long as these recommended conditions limiting automobile repair activity at this location are fully followed.

The public hearing was opened.

Ms. Teresa Rodriguez of 3502 South Texas Avenue, Bryan, Texas advised the Commission of her concern that eighteen-wheelers come in there for deliveries and might tear up the pavement of the alley. Ms. Rodriguez also voiced concerns about patrons using the parking lot of her hair salon business which adjoins the subject property.

Mr. Darryl Darmin, applicant of 904 S.E. Graham Ct., Lake City, Florida came forward to speak in favor of the request. He advised the Commission that there will be no work done outside and that all used tires will be stored inside. He added that there would not be any big eighteen wheelers coming in for them.

The public hearing was closed.

**Commissioner Horton moved to approve Conditional Use Permit CU06-11, accepting the findings of staff and subject to the three conditions recommended by staff. Commissioner Bond seconded the motion, and the motion was passed with a unanimous vote.**

**9. PUBLIC HEARING/CONSIDERATION – Replat RP05-17**

*A replat of Lots 1R & 2, Block 4 in Briarcrest Estates Subdivision – Phase 2, located at 3119 Camelot Drive in Bryan, Brazos County, Texas.*

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean informed the Commission that the applicant is requesting a replat of Lots 1R and 2, Block 4, Briarcrest Section 2 Reconfigures existing Lot 1-R reducing its size and adding land to the existing Lot 2. Lot 2 is already occupied by a single family residence. While Lot 1-R is Currently vacant land. The Site Development Review Committee and staff recommend approval.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Clark moved to approve Replat RP05-17. Commissioner Jones seconded the motion, and the motion passed with a unanimous vote.**

**10. PUBLIC HEARING/CONSIDERATION – Replat RP06-13**

*A replat of Block 107 of the Bryan Original Townsite consisting of 2.181 acres of land located on the east side of North Bryan Avenue between 15<sup>th</sup> Street and Martin Luther King Boulevard in north central Bryan, Brazos County, Texas*

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean informed the Commission that the applicant is requesting that a replat of Block 107 in the Bryan Original Townsite creates one lot from Lots 1-10, the former right of way of West 18<sup>th</sup> Street, part of the former right of way of West 17<sup>th</sup> Street, and the former alley. This site is currently vacant, save from an existing concrete slab and a concrete fire wall. The Site Development Review Committee and staff recommend approval.

The public hearing was opened.

Mr. Bow Miles, applicant, of 341 Landsburg, College Station, Texas came forward to speak in favor of the request. He advised the Commission that he wants to store recreational vehicles on the property.

The public hearing was closed.

**Commissioner Maxwell moved to approve Replat RP06-13, and Commissioner Jones seconded the motion. The motion was passed with a unanimous vote.**

#### **11. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-17**

*A request to change the zoning classification from a combination of 'RD-7' Residential District 7000 and 'C-2' Retail District to 'R-NC' Residential Neighborhood Conservation District for 2 lots along Kent Street approximately 330 feet west of the intersection of Kent Street and E. Villa Maria, Windover #1, Lot 1, Unrecorded; Windover #1, Lot 2, Unrecorded in east central Bryan, Brazos County, Texas.*

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean informed the Commission that the applicant is requesting to rezone two tracts of land from a combination of 'RD-7' Residential District – 7000 and 'C-2' Retail District to 'R-NC' Residential Neighborhood Conservation District. The applicants initially requested a city-initiated rezoning. However, it was determined that the applicant's property is not eligible for that process because the property is not part of a platted subdivision. Therefore, this request is moving forward as an owner-initiated rezoning. Both of these properties are currently occupied by single family homes. Staff recommends approving 'R-NC' zoning for both properties, as requested.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Jones moved to recommend approval of Rezoning RZ06-17, accepting the findings of staff. Commissioner Beckendorf seconded the motion, and the motion passed with a unanimous vote.**

#### **12. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-24**

*A request to change the zoning classification from 'RD-7' Residential District – 7000 to 'R-NC' Residential Neighborhood Conservation District on Fifteen lots located at or near the intersection of River Forest and Rustling Oaks Drives, being Lot 9 thru 13 in Block 7, Lots 3 thru 8 in Block 8, and Lots 1 thru 4 in Block 9 of Memorial Forest Subdivision #3 in Southeastern Bryan, Brazos County, Texas*

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Mr. Zimmermann informed the Commission that the property owners within the Memorial Forest Subdivision #3 have submitted a complete petition for a City-initiated zoning change from 'RD-7' Residential District – 7000 to 'R-NC' Residential Neighborhood Conservation District on all 15 lots in this subdivision phase. The subdivision plat for this subdivision phase was recorded in February of 1974. Staff recommends approving 'R-NC' zoning for this entire subdivision phase.

The public hearing was opened.

Mr. Tom Hilde, of 2515 Oak Circle, Bryan, Texas came forward to speak in favor of the request.

The public hearing was closed.

Commissioner Maxwell moved to recommend approval of Rezoning RZ06-24, accepting the findings of staff. Commissioner Jones seconded the motion, and the motion passed with a unanimous vote. Commissioner Beckendorf abstained, due to a conflict of interest.

### **13. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-25**

*A request to change the zoning classification from 'RD-7' Residential District 7000 to 'R-NC' Residential Neighborhood Conservation for 16 lots along Camelot Drive approximately 986 feet west of the intersection of Camelot Drive and Broadmoor Drive, Lots 1-16 in the Briarcrest Park #1 Subdivision in east central Bryan, Brazos County, Texas.*

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean informed the Commission that the property owners within the Briarcrest Park #1 Subdivision have submitted a complete petition for a City-initiated zoning change from 'RD-7' Residential District – 7000 to 'R-NC' Residential Neighborhood Conservation District on all 16 lots in this subdivision phase. The Subdivision plat for this subdivision phase was recorded in June of 1974. All of the lots in this subdivision phase are developed with single family homes. Staff recommends approving 'R-NC' zoning for this entire subdivision phase.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Bond moved to recommend approval of Rezoning RZ06-25, accepting the findings of staff. Commissioner Jones seconded the motion, and the motion passed with a unanimous vote.**

### **15. ADJOURNMENT**

Without objection, Chairperson Hughes adjourned the meeting at 7:45 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 12<sup>th</sup> day of **October, 2006**.

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Art Hughes, Chairperson  
Planning and Zoning Commission  
City of Bryan, Texas

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Lindsey Guindi, Planning Manager and  
Secretary to the Planning and Zoning Commission